



# CALIFORNIA STATE BOARD OF EDUCATION

## JULY 2004 AGENDA

### SUBJECT

Standardized Testing and Reporting (STAR) Program: Approve Commencement of the Rulemaking Process for Proposed Amendments to Title 5 Code of Regulations



Action



Information



Public Hearing

### RECOMMENDATION

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the proposed Title 5 Regulation amendments for the STAR Program, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking and direct staff to commence the rulemaking process.

### SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

SBE adopted first adopted regulations for the STAR Program during 1998 and has amended the regulations to conform to changes in the California Education Code or to conform to federal requirements as needed. The SBE last adopted amendments for the regulations in November 2003 that were approved by the Office of Administrative Law on December 18, 2003.

### SUMMARY OF KEY ISSUES

The purpose of these amended regulations is to modify regulations previously adopted by SBE to:

- Update and clarify definitions used in the Program.
- Extend the use of below-grade-level testing for students with Individualized Education Programs (IEPs) for an additional year and expand the availability of below-grade-level testing to grades three and four.
- Make technical corrections to the testing variations, accommodations, and modifications to align the regulatory language with a matrix of allowable accommodations and modifications and to provide language that is consistent with the CAHSEE and CELDT regulatory language.
- Add the requirement that test examiners certify that they have received training to administer the tests. This addition was made due to an increasing number of test administration errors districts are reporting. The errors that are being made are generally linked to examiners not receiving training to administer the tests and not understanding the requirements.
- Modify the process for district STAR apportionments. Based on current technology,

## **SUMMARY OF KEY ISSUES**

---

the Department is now able to produce Apportionment Information Reports for district superintendents to certify. This process results in more accurate reports and a workload reduction for districts.

- Modify the dates associated with testing materials being delivered to districts and schools and being returned to the contractor after testing. The modification involves changing all days to working days. Previously a combination of working days and calendar days was used, resulting in confusion about when materials would be received.
- Modify the regulations related to the designated primary language test to ensure that the regulations are consistent across all tests within the Program.

## **FISCAL ANALYSIS (AS APPROPRIATE)**

---

## **ATTACHMENT(S)**

---

[Attachment 1](#): Initial Statement of Reasons (2 Pages)

[Attachment 2](#): Notice of Proposed Rulemaking (4 Pages)

[Attachment 3](#): TITLE 5. Education, Division 1. State Department of Education, Chapter. Pupils, Subchapter 3.75. Standardized Testing and Reporting Program (44 Pages)

The Fiscal Impact Statement will be submitted as a Last Minute Memorandum.

## **INITIAL STATEMENT OF REASONS**

### **Standardized Testing and Reporting (STAR) Program**

#### **SPECIFIC PURPOSE OF THE REGULATIONS**

The proposed amendments to the regulations are intended to clarify the specific student demographic data that districts must provide, provide information about the use of questions publicly released for the California Standards Tests, add requirements for the California Alternate Performance Assessment (CAPA), modify all dates associated with the Program to working days, and modify the process for collecting information required for providing apportionments to districts for costs associated with the Program. Changes to the regulations were also made in order to ensure consistency among the assessment programs, including the California High School Exit Examination (CAHSEE) and the California English Language Development Test (CELDT). Additionally, some of the proposed amendments are required to enable the state to comply with the requirements of the federal No Child Left Behind Act of 2001.

#### **NECESSITY/RATIONALE**

The tests within the STAR Program have consequences for individual pupils, schools, and school districts. The test results are used by schools and school districts to screen pupils for special programs. The California Department of Education uses the test results for school and district Academic Performance Index (API) and Adequate Yearly Progress (AYP) calculations. The results of these accountability calculations are used to identify schools and districts that are meeting or not meeting required growth targets and may result in schools and districts being identified as program improvement schools or districts. The program improvement designation may result in state intervention. The regulations are designed to assure that the tests within the Program are administered fairly and consistently throughout the state so that valid and reliable results are available for API and AYP calculations.

#### **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS**

No reports are required by these proposed regulations.

#### **REASONABLE ALTERNATIVES TO THE REGULATIONS AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES**

No other alternatives were presented to or considered by California Department of Education.

#### **REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

It is not anticipated that there will be any adverse impact on small business that would

necessitate developing alternatives to the proposed regulatory action. The fiscal analysis is pending.

**EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC  
IMPACT ON ANY BUSINESS**

The proposed regulations are not anticipated to have a significant adverse economic impact on any business because the regulations only relate to local school districts and not to business practices. The fiscal analysis is pending.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

**CALIFORNIA STATE BOARD OF EDUCATION**

1430 N Street, Room 5111  
Sacramento, CA 95814



**TITLE 5. EDUCATION**

**CALIFORNIA STATE BOARD OF EDUCATION**

**NOTICE OF PROPOSED RULEMAKING**

**Standardized Testing and Reporting (STAR) Program**

*[Notice published July 23, 2004]*

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

**PUBLIC HEARING**

Program staff will hold a public hearing beginning at **9:00 a.m. on Tuesday, September 7, 2004** at 1430 N Street, Room 2102, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Coordinator. The written comment period ends at **5:00 p.m. on Tuesday, September 7, 2004**. The Board will consider only written comments received by the Regulations Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Coordinator  
California Department of Education  
LEGAL DIVISION  
1430 N Street, Room 5319  
Sacramento, CA 95814  
Email: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)  
Telephone: (916) 319-0860  
FAX: (916) 319-0155

## **AUTHORITY AND REFERENCE**

Authority: Sections 33031 and 60605, Education Code.

Reference: Sections 60615, 60630, 60640, et seq.; Education Code; 20 USC 6311.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Amendments are proposed for Division 1, Chapter 2. Pupils, Subchapter 3.75, Articles 1 and 2 of Title 5 of the *California Code of Regulations*. Article 1 includes Program definitions and Article 2 addresses the designated achievement test, the standards-based achievement tests, and the California Alternate Performance Assessment. The amendments and technical corrections proposed for Articles 1 and 2 are also proposed for Article 3, which addresses the designated primary language test. The amendments to Article 3 are proposed to provide consistency across the regulations for the Program.

The purposes of the proposed amendments are to provide consistency with the regulations for the California High School Exit Examination (CAHSEE) and the California English Language Development Test (CELDT) by clarifying current language and adding definitions and language as needed to add and amend language regarding the use of variations, accommodations, and modifications; to make technical changes to correct inconsistent language, terms, and capitalization in the existing regulations; to modify the provisions for below-grade-level testing; to incorporate information about the use of released items for the California Standards Tests (CSTs); to modify test material delivery and return dates to eliminate the mixture of working and calendar days; to add the California Alternate Performance Assessment (CAPA) as appropriate; to strengthen some test security language; to add a statement to the STAR Test Security Affidavit indicating that test examiners and proctors have been trained to administer the tests; to expand the student demographic data collected to meet the requirements for federal and state reporting; to clarify requirements related to including test results in pupils' permanent records as required by *Education Code* Section 60607; to reinforce the confidentiality of summary data that is based on test results for ten or fewer pupils; and to modify the process for completing Apportionment Information Reports required by *Education Code* Section 60640(j).

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

Mandate on local agencies and school districts: TBD

Cost or savings to any state agency: TBD

Costs to any local agency or school district that must be reimbursed in accordance with Government Code Section 17561: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD  
Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD

Cost impacts on a representative private person or businesses: TBD

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California;
- or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: TBD

Effect on small businesses: TBD

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### **CONTACT PERSONS**

Inquiries concerning the substance of the proposed regulations should be directed to:

Linda Lownes, Consultant  
California Department of Education  
Standards and Assessment Division  
**1430 N STREET, 5<sup>TH</sup> FLOOR**  
Sacramento, CA 95814  
Telephone: (916) 319-0364  
E-mail: [llownes@cde.ca.gov](mailto:llownes@cde.ca.gov)

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

### **AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Coordinator at the address indicated above.

The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Coordinator at the above address.

### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's Web site at <http://www.cde.ca.gov/re/lr/rr/>.

### **REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY**

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Linda Lownes, Standards and Assessment Division, 1430 N Street, Sacramento, CA 95814; telephone, (916) 319-0364; fax, (916) 319-0969. It is recommended that assistance be requested at least two weeks prior to the hearing.



**Title 5. EDUCATION**

**Division 1. State Department of Education**

**Chapter 2. Pupils**

**SUBCHAPTER 3.75. STANDARDIZED TESTING AND REPORTING PROGRAM**

**ARTICLE 1. GENERAL**

*Add subsection (h) to Section 850 to read:*

**§ 850. Definitions.**

For the purposes of the Standardized Testing and Reporting (STAR) Program, the following terms shall have the following meanings unless the context indicates otherwise:

(a) "Designated achievement test" is the achievement test required by Education Code ~~§~~Section 60640(b). The designated achievement test includes test booklets, test answer documents, administration manuals, and administrative materials. ~~The designated achievement test is to be administered in the areas of reading, spelling, written expression and mathematics for pupils in grades 2 to 8, inclusive; and in the core curriculum areas of reading, writing, mathematics, history-social science and science for pupils in grades 9 to 11, inclusive.~~

(b) "Primary language test" includes any test administered pursuant to Education Code ~~§~~Section 60640(f) or a test administered pursuant to the requirement of Education Code ~~§~~Section 60640(g), as applicable, and includes the test booklets, test answer documents, administration manuals, administrative materials and practice tests.

(c) "School districts" includes elementary, high school, and unified school districts; county offices of education; and any charter school that for assessment purposes does not elect to be part of the school district or county office of education that granted the charter; and any charter school chartered by the State Board of Education.

(d) "Eligible pupil"

(1) For the designated achievement test and the standards-based achievement tests, an eligible pupil is any pupil in grades 2 through 11, inclusive, including those pupils placed in a non-public school through the Individualized Education Program (IEP) process pursuant to Education Code Section 56365 who is not exempted by

1 parent/guardian request or eligible to take the CAPA.

2 (2) For the CAPA, an eligible pupil is any pupil with a significant cognitive disability  
3 with in grades 2 through 11 and ages 7 through 16 in ungraded programs whose IEP  
4 states that the pupil is to take the CAPA.

5 (3) For the primary language test, an eligible pupil is an English learner with a  
6 primary language for which a test is required or optional.

7 (e) "Department" means the California Department of Education.

8 (f)(1) "Standards-based achievement tests" are those tests that measure the degree  
9 to which pupils are achieving the content standards and performance standards  
10 adopted by the State Board of Education as provided in Education Code §Section  
11 60642.5. The standards-based achievement tests include test booklets, test answer  
12 documents, administration manuals, administrative materials, practice tests and other  
13 materials developed and provided by the contractor of the tests.

14 (2) The term "standards-based achievement test" may refer to one or more of the  
15 individual achievement tests in the subject of core curriculum areas required by  
16 Education Code §Section 60642.5, or all of the standards-based achievement tests  
17 collectively.

18 (g) "Administration Period" means one of multiple test administration periods by  
19 school districts with schools or programs on non-traditional calendars that begin and  
20 complete the school year at various times and have staggered vacation periods, in  
21 order to ensure that all pupils are tested at approximately the same point in the  
22 instructional year.

23 (h) "The California Alternate Performance Assessment" (CAPA) is an individually  
24 administered performance assessment developed to assess students' achievement on  
25 a subset of California's Academic Content Standards. It ~~is~~ shall only be administered to  
26 students with significant cognitive disabilities receiving special education services  
27 whose IEP teams determined that the students are to be assessed with the CAPA. The  
28 CAPA includes administration manuals, administrative materials, and documents on  
29 which the examiner records the student's responses.

30 (i) "Untimed administration" means that pupils may receive as much time as needed  
31 within a single sitting to complete a test or test part.

(j) ~~“Out-of-level testing”~~ “Below grade level testing” means administering a test that is below the grade level of the pupil being tested.

(k) “Test examiner” is an employee of a school district or an employee of a non-public school who has been trained to administer the tests. For the CAPA, the test examiner must be a certificated or licensed school staff member.

(l) “Test proctor” is an employee of a school district, or a person assigned by a nonpublic school to implement a pupil’s IEP, who has received training designed to prepare him or her to assist the test examiner in the administration tests within the STAR program.

~~(h)~~(m) “Scribe” is an employee of the school district, or a person assigned to a nonpublic school to implement a pupil’s IEP and is required to transcribe a pupil’s or ~~adult student’s~~ responses to the format required by the examination test. A ~~family member~~ student’s parent or guardian is not eligible to be a scribe.

~~(m)~~(n) “Accommodation” means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. Accommodations may include variations in scheduling, setting, aids, equipment, and presentation format.

~~(n)~~(o) “Modification” means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores.

~~(o)~~(p) “Variation” is a change in the manner in which a test is presented or administered, or in how a test taker is allowed to respond, and includes, but is not limited to, accommodations and modifications ~~as defined in Education Code section 60850.~~

(q) “Grade” means the grade assigned to the pupil by the school district at the time of testing.

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60615, 60640, 60642, and 60642.5, Education Code.

**Article 2. Designated Achievement Test, and Standards-Based  
Achievement Tests,  
and California Alternate Performance Assessment**

*Amend Section 851 to read:*

**§ 851. Pupil Testing.**

(a) School districts shall administer the designated achievement test and standards based achievement tests or the CAPA to each eligible pupil enrolled in any of grades 2 to 11, inclusive, in a school district on the date testing begins in the pupil's school.

(b) School districts shall administer the CAPA, as set forth in the pupil's IEP, to each eligible pupil in any of grades 2 to 11, inclusive, in a school district during the period specified by the test contractor. Students in ungraded special education classes shall be tested, if they are 7 to 16 years of age.

(c) School districts shall make whatever arrangements are necessary to test all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, continuation schools, independent study, community day schools, or county community schools.

(d) School districts may administer the designated achievement test to pupils enrolled in kindergarten or grade 1 or 12, but those pupils shall not be counted for the apportionment pursuant to Education Code ~~s~~Section 60640(h).

(e) No test may be administered in a ~~private home or location~~ hospital unless the test is administered by either a certificated employee of the school district or an employee of a nonpublic school pursuant to Education Code ~~s~~Section 56365 who holds a credential and the employee signs a security affidavit. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under the supervision of a credentialed school district employee provided that the classroom aide does not assist his or her own child and that the classroom aide signs a security affidavit.

NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

Reference: Section 60640, Education Code.

*Amend Section 852 to read:*

**§ 852. Pupil Exemptions.**

~~(a)~~ A parent or guardian may submit to the school a written request to excuse his or

her child from any or all parts of any test provided pursuant to Education Code ~~s~~Section 60640. A school district and its employees may discuss the Standardized Testing and Reporting Program with parents and may inform parents of the availability of exemptions under Education Code ~~s~~Section 60615. However, the school district and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children.

~~(b) Pupils in special education programs shall be tested with the designated achievement test and the standards-based achievement tests unless the individualized educational program for the pupil specifically states that the pupil will be assessed with the California Alternate Performance Assessment or (CAPA).~~

NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60615 and 60640, Education Code.

*Amend Section 853 to read:*

**§ 853. Administration.**

(a) The designated achievement test shall be administered and returned by school districts in accordance with the manuals or other instructions provided by the contractor for administering and returning the tests unless specifically provided otherwise in this subchapter including instructions for administering the test with variations, accommodations, and modifications. The procedures shall include, but are not limited to, those designated to insure the uniform and standard administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information.

(b) The standards-based achievement tests and the California Alternate Performance Assessment (CAPA) shall be administered and returned by school districts in accordance with the manuals and other instructions provided by the contractor, and in accordance with testing variations, accommodations, and modifications specified in Section 853.5. The procedures shall include, but are not limited to, those designed to insure the uniform and standard administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information, The procedures shall not

1 include criteria for who should be assessed by the CAPA.

2 (c) For the ~~2003-04~~ 2004-05 school year ~~only~~, pupils with IEPs specifying below  
3 grade level testing in grades ~~5~~ 4 through 11 may be tested one or two grades below  
4 their enrollment grade. Pupils with IEPs specifying below grade level testing in grade 3  
5 may be tested one grade level below their enrollment grade. The test level must be  
6 specified in the ~~student's~~ pupil's IEP. ~~Out-of-level~~ Below grade level testing shall be  
7 used only if the ~~student~~ pupil is not receiving grade-level ~~instruction~~ curriculum as  
8 specified by the California academic content standards, and is so indicated on the IEP.  
9 ~~Students~~ Pupils tested ~~out-of-level~~ below grade level must complete all tests required  
10 for the grade at which they are tested and shall be administered ~~only one level of the~~  
11 ~~tests~~ the test for only one grade level. ~~Out-of-level testing is not allowed for pupils in~~  
12 ~~grades 2, 3, and 4. No out-of-level testing shall be allowed at any grade beginning with~~  
13 ~~the 2004-05 school year.~~

14 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:  
15 Section 60640, Education Code; and 20 USC Section 6311.

16  
17 *Amend Section 853.5 to read:*

18 **§ 853.5 Use of Variations, Accommodations, and Modifications for the Standards-**  
19 **Based Achievement Test and the California Alternate Performance Assessment.**

20 (a) School districts may provide all pupils the following testing variations if regularly  
21 used in the classroom:

22 (1) test directions that are simplified ~~or clarified.~~

23 (2) special or adaptive furniture.

24 (3) special lighting, ~~or acoustics,~~ visual magnifying, or audio amplification  
25 equipment.

26 (4) an individual carrel or study enclosure.

27 (5) test individually in a separate room provided that an employee of the school,  
28 district, or non-public school, who has signed the STAR Test Security Affidavit, directly  
29 supervises the pupil.

30 (6) ~~markers,~~ colored overlay, masks, or other means to maintain visual attention to  
31 the ~~examination~~ test or test ~~items~~ questions.

1 (7) grade two or three standards-based achievement tests underlining or marking  
2 information or math problems in the test booklet and having a school, school district, or  
3 non-public school employee who has signed the Test Security Affidavit transfer the  
4 answers to a new test booklet.

5 ~~(4)~~(8) use of ~~m~~Manually eCoded English or American sign language to present  
6 directions for administration.

7 (b) Eligible pupils with disabilities who have IEPs and students with Section 504  
8 plans shall be permitted ~~to take the standards-based achievement tests with the~~  
9 following presentation, response or setting accommodations if specified in the IEP or  
10 Section 504 plan:

11 (1) large print versions.

12 (2) test items enlarged ~~through electronic means (e.g., photocopier)~~ if font larger than  
13 that used on large print versions is required.

14 (3) Braille transcriptions provided by the test contractor.

15 (4) for grade two or three designated achievement test underlining or marking  
16 information or working math problems in addition to marking question answers in test  
17 booklets and having a school, school district, or non-public school employee who has  
18 signed the Test Security Affidavit transfer the answers to a new test booklet.

19 (5) audio or oral presentation of the mathematics; science, or history-social science  
20 tests.

21 (6) use of manually coded English or American sign language to present test questions  
22 on the mathematics, science, or history-social science tests.

23 (7) responses marked in test booklet and transferred to the answer document by a  
24 school, ~~or~~ school district, or non-public employee who has signed the Test Security  
25 Affidavit.

26 (8) responses dictated to a scribe for selected-response items (e.g., multiple-choice  
27 test questions).

28 (9) responses dictated to a scribe, audio recorder or speech to text converter on the  
29 grade 4 or grade 7 writing application standards section of the California English-  
30 Language Arts Standards Test, and the pupil indicates all spelling and language  
31 conventions.

(10) use of word processing software with spell and grammar check tools turned off on the writing portion of the grade 4 or 7 test.

(11) use of an assistive device that does not interfere with the independent work of the student on the multiple-choice or writing portion of the test.

(12) supervised breaks within a section of the test.

(13) administration of the test at the most beneficial time of day to the pupil.

(14) test administered by certificated teacher to a pupil ~~or adult student~~ at home or in the hospital.

(c) Eligible pupils with disabilities shall be permitted to take the standards-based tests with the following modifications if specified in the eligible pupil's IEP or a 504 Plan:

(1) calculators, arithmetic tables, or mathematics manipulatives on the mathematics or science tests.

(2) audio or oral presentation of the English-language arts tests.

(3) ~~use of m~~Manually eCoded or American sign language to present test questions on the English-language arts tests.

(4) spellcheckers, grammar checkers, or word processing software programs that check or correct spelling and/or grammar on the writing portion of the ~~grade 4 and 7~~ English-language arts tests.

(5) mechanical or electronic devices or other assistive devices that are not used solely to record the pupil's responses, including but not limited to transcribers, scribes, voice recognition or voice to text software, and that identify a potential error in the pupil's response or that correct spelling, grammar or conventions on the writing portion of the ~~grade 4 and 7~~ English-language arts tests.

(6) ~~use of~~ American sign language to provide a response to the written portion of the ~~grade 4 and 7~~ English-language arts tests.

(7) ~~English dictionary on the English-language arts test.~~

(8) ~~mathematics dictionary on the mathematics section of the examination.~~

(d) School districts shall provide identified English learner pupils the following ~~additional~~ testing variations if regularly used in the classroom or for assessment:

(1) Flexible setting. Tested in a separate room with other English learners provided that



an employee of the school, district, or non-public school, who has signed the Test Security Affidavit, directly supervises the pupil ~~and the pupil has been provided such a flexible setting.~~

(2) Flexible schedule. Additional supervised breaks following each section within a test part provided that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of it.

(3) Translated directions. Hear ~~any~~ the test directions ~~the test examiner is to read aloud printed in the test contractor's manual~~ translated into their primary language. English learners shall have the opportunity to ask clarifying questions about any test directions presented orally in their primary language.

(4) Glossaries. Access to translation glossaries/word lists for the standards-based achievement tests in mathematics, science, and history-social science ~~if used regularly in the classroom~~ (English to primary language). The translation glossaries/word lists are to include only the English word or phrase with the corresponding primary language word or phrase. The glossaries/word lists shall include no definitions or formulas.

NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference: Section 60640, Education Code; 20 USC Section 6311.

*Amend Section 854 to read:*

**§ 854. Advance Preparation for the Test.**

(a) Except for materials specifically ~~included within the designated achievement or standards-based tests~~ provided by the California Department of Education, no program or materials shall be used by any school district or employee of a school district that are specifically formulated or intended to prepare pupils for the designated achievement tests or standards-based achievement tests. No administration or use of an alternate or parallel form of the designated achievement test ~~for any stated purpose~~ shall be ~~permitted~~ used as practice for any pupils in grades 2 through 11, inclusive.

(b) Practice tests provided by the ~~publisher~~ contractor as part of the ~~designated achievement test~~ standards-based achievement tests for the limited purpose of familiarizing pupils with the use of scannable test booklets or answer sheets and the format of test items are not subject to the prohibition of Subdivision (a).

NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

Reference: Sections 60611 and 60640, Education Code.

*Amend Section 855 to read:*

**§ 855. Testing Period.**

(a) The designated achievement test and the standards-based achievement tests, except for the STAR writing assessment as specified in subdivision (c) shall be administered to each pupil during a testing window of twenty-one (21) instructional days that includes ten (10) instructional days before and after completion of 85% of the school's, track's or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this twenty-one day instruction day window unless all or part of the twenty-one instructional day period falls after any statutorily specified deadline.

(b) Each school district shall provide for at least two (2) makeup days of testing for pupils who are absent during the period in which any school administered the designated achievement test and the standards-based achievement tests. All makeup testing shall occur within five (5) instructional days of the last date that the school district administered the tests but not later than the end of the twenty-one instructional day period established in subdivision (a).

(c) The STAR writing assessment shall be administered to each eligible pupil only on the day(s) specified annually by the Superintendent of Public Instruction. An eligible pupil for purposes of the writing assessment is a pupil taking the standards-based achievement tests for ~~enrolled in~~ a grade at which the writing test will be administered.

NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

Reference: Sections 60640 and 60642.5, Education Code.

*Amend Section 857 to read:*

**§ 857. STAR Program District Coordinator.**

(a) On or before ~~November 15, 1999 and October 15~~ September 30 of each subsequent school year, the superintendent of each school district shall designate from among the employees of the school district a STAR program district coordinator. The

1 STAR program district coordinator, or the school district superintendent or his or her  
2 designee, shall be available through August 15 of the following year to complete school  
3 district testing. The school district shall notify the ~~publisher~~ contractor of the identity and  
4 contact information, including electronic mail address, if available in the school district,  
5 for the STAR program district coordinator and for the superintendent and his or her  
6 designee, if any. The STAR program district coordinator shall serve as the school  
7 district representative and the liaison between the school district and the ~~test publisher~~  
8 contractor and the school district and the Department for all matters related to the  
9 STAR Program.

10 (b) The STAR program district coordinator's responsibilities shall include, but not be  
11 limited to, all of the following duties:

12 (1) Responding to correspondence and inquiries from the ~~publisher~~ contractor and  
13 from the Department in a timely manner and as provided in the ~~publisher's~~ contractor's  
14 instructions and these regulations.

15 (2) Determining school district and individual school test and test material needs in  
16 conjunction with schools within the district and the test publisher contractor, using  
17 ~~California Basic Education Data System (CBEDS)~~ and current enrollment data and  
18 communicating school district test ~~and test~~ material needs to the ~~publisher~~ contractor  
19 on or before December 1.

20 ~~(3) Overseeing the acquisition and distribution of tests and test materials to~~  
21 ~~individual schools and test sites.~~ Ensuring delivery of tests and test materials to the test  
22 sites no more than ten (10) or fewer than five (5) working days before the first day of  
23 testing designated by the district.

24 (4) Coordinating the testing and makeup testing days for the school district and  
25 nonpublic schools within any required time periods with the school test site  
26 coordinators. Overseeing the collection of all pupil data as required to comply with  
27 Section 861.

28 (5) Maintaining security over the designated achievement test, ~~and the standards-~~  
29 ~~based achievement tests,~~ the California Alternate Performance Assessment and test  
30 data using the procedure set forth in Section 859. The STAR program district  
31 coordinator shall sign the security agreement set forth in Section 859 prior to receipt of

1 the test materials.

2 (6) Overseeing the administration of the designated achievement test, and the  
3 standards-based achievement tests, and the California Alternate Performance  
4 Assessment to eligible pupils.

5 (7) Overseeing the collection and return of all test materials and test data to the  
6 publisher contractor within any required time periods.

7 (8) Assisting the ~~test publisher~~ contractor and the Department in the resolution of  
8 any discrepancies in the test information and materials, including but not limited to, pre-  
9 identification files and all pupil level data required to comply with Sections 861 and 862.

10 (9) Immediately notifying the Department of any security breaches or testing  
11 irregularities in the district before, during, or after the test administration.

12 (11) Ensuring that an answer document is submitted for scoring for each eligible  
13 pupil enrolled in the district on the first day of testing.

14 ~~(c) Within five (5) working days of completed school district testing, the school~~  
15 ~~district superintendent and the STAR program district coordinator shall certify the~~  
16 ~~following information with respect to the designated achievement test and the~~  
17 ~~standards-based achievement tests to the Department: that the school district has~~  
18 ~~maintained the security and integrity of the designated achievement test and the~~  
19 ~~standards-based achievement tests; collected all data and information as required by~~  
20 ~~Sections 861 and 862; returned to the test publisher all test materials, answer~~  
21 ~~documents, and other materials included as part of the designated achievement test~~  
22 ~~and the standards-based achievement tests in the manner and as otherwise required~~  
23 ~~by the test publisher; and assisted the test publisher in the resolution of any~~  
24 ~~discrepancies in the test or test materials as required by Section 868.~~

25 ~~(d)(12) Within five (5) working days of~~ After receiving summary reports and files  
26 from the publisher contractor, the school district STAR coordinator shall review the files  
27 and reports for completeness and accuracy, and shall notify the publisher contractor  
28 and the Department of its findings. ~~The school district shall notify the Department in~~  
29 ~~writing whether any errors, discrepancies, or incomplete information have been~~  
30 ~~resolved.~~

31 (13) Training test site coordinators to oversee the test administration at each school.  
32

NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

Reference: Sections 60630 and 60640, Education Code.

*Amend Section 858 to read:*

**§ 858. STAR Test Site Coordinator.**

(a) At each test site, including but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by a school district, and all other public programs serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school district or the district STAR coordinator shall designate a STAR test site coordinator from among the employees of the school district. The STAR test site coordinator, or the site principal or his or her designee, shall be available to the STAR program district coordinator by telephone through August 15 for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

(b) The STAR test site coordinator's responsibilities shall include, but are not limited to, all of the following duties:

(1) Determining site test and test material needs and communicating the site needs to the STAR program district coordinator.

(2) Overseeing the acquisition and distribution of tests and test materials at the test site.

(3) Cooperating with the STAR program district coordinator to provide the testing and makeup testing days for the site within any required time periods.

(4) Maintaining security over the designated achievement test, ~~and the standards-based achievement tests,~~ the California Alternate Performance Assessment and test data. The STAR test site coordinator shall sign the security agreement set forth in Section 859 prior to the receipt of the test materials.

(5) ~~Arranging for and O~~verseeing the administration of the designated achievement test, ~~and the standards-based achievement tests,~~ and the California Alternate Performance Assessment to eligible pupils at the test site.

(6) Overseeing the collection and return of all testing materials to the STAR program district coordinator.

(7) Assisting the STAR program district coordinator, the ~~test publisher~~ contractor, and the Department in the resolution of any discrepancies in the test information and materials.

(8) Overseeing the collection of all pupil level and other data required to comply with Sections 861 and 862.

(9) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the school on the first day of testing.

~~(10)~~(9) Ensuring that for each pupil tested only one scannable answer document is submitted for scoring, except for each pupil tested at grades 4 or grade 7, for which the contractor has designated the use of more than one answer document. aAn answer document for the STAR writing assessment administered pursuant to Section 855(c) shall be submitted in addition to the answer document for the multiple choice items.

(11) Immediately notifying the STAR program district coordinator of any security breaches or testing irregularities that occur in the administration of the designated achievement test, the standards-based achievement tests, or the California Alternate Performance Assessment that violate the terms of the STAR Security Affidavit in Section 859.

(12) Training all test examiners, proctors, and scribes for administering the tests.

~~(c) Within three (3) working days of complete site testing, the principal and the STAR test site coordinator shall certify to the STAR program district coordinator that the test site has maintained the security and integrity of the designated achievement test and the standards-based achievement tests, collected all data and information as required, and returned all test materials, answer documents, and other materials included as part of the designated achievement test in the manner and as otherwise required by the STAR program district coordinator.~~

NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

Reference: Sections 60630 and 60640, Education Code.

*Amend Section 859 to read:*

**§ 859. STAR Test Security Agreement and Test Security Affidavit.**

(a) All STAR program district and test site coordinators (coordinators) shall sign the

1 STAR Test Security Agreement set forth in Subdivision (b) before receiving any STAR  
2 program tests or test materials.

3 (b) The STAR Test Security Agreement shall be as follows:

4 STAR TEST SECURITY AGREEMENT

5 ~~The coordinator~~ I acknowledges by ~~his or her~~ my signature on this form that the  
6 designated achievement test, and the standards-based achievement tests, and the  
7 California Alternate Performance Assessment are secure tests and agrees to each of  
8 the following conditions to ensure test security.

9 (1) ~~The coordinator~~ I will take all necessary precautions to safeguard all tests and  
10 test materials by limiting access to persons within the school district with a responsible,  
11 professional interest in the ~~test's~~ tests' security.

12 (2) ~~The coordinator~~ I will keep on file the names of all persons having access to  
13 tests and test materials. All persons having access to the materials shall be required by  
14 the coordinator to sign the STAR Test Security Affidavit that will be kept on file in the  
15 school district office.

16 (3) ~~The coordinator~~ I will keep the designated achievement test and the standards-  
17 based achievement tests and test materials in a secure, locked location limiting access  
18 to only those persons ~~responsible for test security~~ who have executed STAR Test  
19 Security Affidavits, except on actual testing dates as provided in California Code of  
20 Regulations, Title 5, Division 1, Chapter 2, Subchapter 3.75.

21 (4) I will keep the CAPA materials in a secure locked location when not being used  
22 by examiners to prepare for and to administer the assessment. I will adhere to the  
23 contractor's directions for the distribution of the assessment materials to examiners.

24 ~~(5)~~(4) The coordinator will not copy any part of the tests or test materials without  
25 written permission from the Department to do so.

26 (6) I will not disclose, or allow to be disclosed, the contents of, or the test  
27 instrument. I will not review any test questions, passages, or other test items with any  
28 other person before, during, or after the test administration.

29 ~~(7)~~(5) The coordinator ~~will~~ shall not review test questions, develop any scoring keys  
30 or review or score any pupil responses except as required by the contractor's manuals.

31 By signing my name to this document, I am assuring that I ~~and anyone having~~

1 ~~access to the test materials~~ will abide by the above conditions.

2 By: \_\_\_\_\_

3 Title: \_\_\_\_\_

4 School District: \_\_\_\_\_

5 Date: \_\_\_\_\_

6 (c) Each STAR test site coordinator shall deliver the designated achievement test  
7 and the standards-based achievement tests and test materials only to ~~those persons~~  
8 ~~actually administering the designated achievement test and the standards-based~~  
9 ~~achievement tests~~ test examiners who have been trained to administer the tests and  
10 who have signed the STAR Test Security Affidavit set forth in Subdivision (f) on the  
11 date each day of testing to persons trained to administer the test who have executed  
12 the STAR Test Security Affidavit set forth in Subdivision (e).

13 (d) Each STAR test site coordinator shall deliver the California Alternate  
14 Performance Assessment (CAPA) materials only to test examiners. The coordinator  
15 shall adhere to the contractor's directions for the distribution of the assessment  
16 materials to test examiners.

17 (e)(d) All test examiners, proctors, scribes, and any other persons having access to  
18 the designated achievement test and test materials, and to the standards-based  
19 achievement tests and test materials, and the CAPA materials shall acknowledge the  
20 limited purpose of their access to the tests by signing the STAR Test Security Affidavit  
21 set forth in Subdivision (f).

22 (f)(e)The STAR Test Security Affidavit shall be as follows:

23 STAR TEST SECURITY AFFIDAVIT

24 I acknowledge that I will have access to the designated achievement test and to the  
25 standards-based achievement tests for the purpose of administering the test(s). I  
26 understand that these materials are highly secure, and it is my professional  
27 responsibility to protect their security as follows:

28 (1) I will not divulge the contents of the tests to any other person through verbal,  
29 written, or any other means of communication.

30 (2) I will not copy any part of the test(s) or test materials.

31 (3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.



(4) I will limit access to the test(s) and test materials by test examinees to the actual testing periods when they are taking the test(s).

(5) I will collect and account for all materials following each period of testing and will not permit pupils to remove test materials from the room where testing takes place.

~~(6) I will not disclose, or allow to be disclosed, the contents of, or the test instrument.~~ I will not review any test questions, passages, or other test items with pupils or any other person before, during, or following testing.

(7) I will not develop scoring keys or review or score any pupil responses except as required by the ~~publisher's~~ contractor's administration manual(s) to prepare answer documents for machine or other scoring.

(8) I will return all test materials to the designated STAR test site coordinator daily upon completion of testing.

(9) I will administer the test(s) in accordance with the directions for test administration set forth in the ~~publisher's~~ contractor's manual for test administration.

(10) I have been trained to administer the tests.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Position: \_\_\_\_\_

School: \_\_\_\_\_

School District: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_

~~(g)(f)~~ To maintain the security of the Program, all STAR program district coordinators and test site coordinators are responsible for inventory control and shall use appropriate inventory control forms to monitor and track test inventory.

*Section 861 to read:*

### **§ 861. School-By-School Analysis**

(a) Each school district shall provide the ~~publisher~~ contractor ~~of~~ for the designated achievement test and the standards-based achievement tests or CAPA, the following information for each pupil ~~tested~~ enrolled on the first day the tests are administered for purposes of the reporting required by the Academic Performance Index of the Public

Schools Accountability Act (Chapter 6.1, commencing with Section 52050), Section 60630, and Chapter 5 (commencing with Section 60640) of the Education Code:

(1) Pupil's full name.

(2)(4) Date of birth.

(3)(2) Grade level.

(4)(3) Gender.

(5)(4) language fluency English proficiency and home primary language.

(6) Date of English proficiency reclassification.

(7) If R-FEP pupil scored proficient or above on the California English-Language Arts Standards Test three (3) times since reclassification.

(8)(5) Special pProgram participation.

(9)(6) Use of Testing adaptations or accommodations, or modifications.

(10) California School Information Services (CSIS) Student Number once assigned.

(11)(7) Parent education level.

(12)(8) Amount of time in the school and school district.

(13) For English learners, length of time in California public schools and in school in the United States.

(14) Participation in the National School Lunch Program.

(15)(9) Ethnicity.

(16)(40) Handicapping condition or disability.

(17) County and District of residence for students with disabilities.

(18) Special testing conditions and/or reasons for not being tested.

(b) The information is for the purposes of aggregate analyses only and shall be provided and collected as part of the testing materials for the designated achievement test, the standards-based achievement tests, and the California Alternate Performance Assessment.

(c) School districts shall provide the same information for each eligible pupil enrolled in an alternative or off campus program or for pupils placed in nonpublic schools as is provided for all other eligible pupils in grades 2 to 11, inclusive.

(d) If the information required by section 861(a) is incorrect, the school district may enter into a separate agreement with the contractor to have the district's student data

file corrected. The district STAR coordinator shall provide the correct information to the contractor within the contractor's timeline. Any costs for correcting the student data shall be the district's responsibility.

NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.  
Reference: Section 60630, Education Code.

*Amend Section 862 to read:*

**§ 862. Apportionment.**

~~(a) Each school district shall report to the Department all of the following information relevant to~~ Annually, each school district shall receive an apportionment information report with the following information for the designated achievement test, and the standards-based achievement tests, and the CAPA by grade level for each of grades 2 to 11, inclusive:

(1) The number of pupils enrolled in each school and in the school district on the first day of testing ~~in the school district~~ as indicated by the number of answer documents submitted to the test contractor for scoring.

(2) The number of pupils with significant cognitive disabilities in each school and in the school district ~~exempted from testing pursuant to Education Code section 60640(e)~~ tested with the California Alternate Performance Assessment (CAPA).

(3) The number of pupils in each school and in the school district exempted from testing at the request of their parents or guardians pursuant to Education Code ~~§~~ Section 60615.

(4) The number of pupils ~~to whom~~ who were administered any portion of the designated achievement test was administered and standards-based achievement tests.

(5) The number of pupils with demographic information only who were not tested for any reason other than because of a parent/guardian exemption.

(b) The department shall distribute the reports to districts no later than November 15 following each testing cycle.

~~(b)(1) The superintendent of each school district shall certify the accuracy of all information submitted. The report required by Subdivision (a) shall be filed with the~~

1 ~~State Superintendent of Public Instruction within ten (10) working days of the last day of~~  
2 ~~makeup testing in the school district.~~

3 ~~(2) School districts with an average daily attendance greater than 100,000 may~~  
4 ~~certify the accuracy and submit the information required by Subdivision (a) within fifteen~~  
5 ~~(15) working days of the last day of makeup testing in the school district. The school~~  
6 ~~district may submit a request to the Department to obtain approval of the State Board~~  
7 ~~of Education for an extension of ten (10) additional working days if the fifteen (15)~~  
8 ~~working day requirement presents an undue hardship.~~

9 (c) To be eligible for apportionment payment school districts must meet the  
10 following condition:

11 (1) The superintendent of each school district has certified the accuracy of the  
12 apportionment information report for examinations administered during the calendar  
13 year (January 1 through December 31), which is either:

14 (A) postmarked by December 31, or

15 (B) if postmarked after December 31, the apportionment information report must be  
16 accompanied by a waiver request as provided by Education Code Section 33050. For  
17 those apportionment information reports postmarked after December 31,  
18 apportionment payment is contingent upon the availability of an appropriation for this  
19 purpose in the fiscal year in which the testing window began.

20 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

21 Reference: Sections 60615 and 60640, Education Code.

22  
23 *Amend Section 863 to read:*

24 **§ 863. STAR Student Parent Reports and Cumulative Record Labels.**

25 (a) The school district shall forward the STAR Student Rreport provided by the  
26 contractor, in writing, the results of to each pupil's test to the pupil's parent or guardian,  
27 within not more than twenty (20) working days from receipt of the report test results  
28 from the publisher contractor.

29 (b) If the school district receives these reports for the designated achievement test  
30 and standards-based tests from the test publisher contractor after the last day of  
31 instruction for the school year, the school district shall send the pupil results to the

parent or guardian by U.S. mail at the parent's or guardian's last known address. If the report is non-deliverable, the school district shall make the report available to the parent or guardian during the next school year.

(c) Schools are responsible for affixing cumulative record labels reporting each pupil's scores to pupils' permanent school records, for entering the scores into electronic student records, and for forwarding the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect students' achievement due to illness or testing irregularities.

NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

Reference: Section 60641, Education Code.

*Amend Section 864 to read:*

**§ 864. Reporting Test Scores.**

No aggregate or group scores or reports that are compiled pursuant to Education Code section 60641 or 60643 shall be reported electronically, in hard copy, or in other media, to any audience other than the school or school district where the pupils were tested, if the aggregate or group scores or reports ~~is~~ are composed of ten (10) or fewer individual pupil scores. In each instance in which no score is reported for this reason, the notation shall appear "The number of pupils in this category is too small for statistical accuracy or privacy protection." In no case shall any group score be reported that would deliberately or inadvertently make public the score or performance of any individual pupil.

*Amend Section 864.5. to read:*

**§ 864.5. Test Order Information.**

(a) The school district shall provide to the ~~publisher~~ contractor, no later than December 1 of the year immediately prior to the year of test administration, the following data for each test site of the school district, by grade level:

~~(1) CBEDS enrollment~~

~~(2) Current enrollment~~

(1) Number of students to be tested

1       (2)(3) Valid county district school (CDS) codes

2       (3)(4) Number of tests without adaptation

3       (4)(5) Numbers of special version tests with adaptations by type of adaptation

4 including but not limited to Braille and large print.

5       (5)(6) Number of directions for administration needed, by grade level.

6       (6)(7) First date of testing in the school district, including the dates for each testing

7 ~~wave~~ test administration period, if applicable.

8       (7)(8) ~~Date or dates on which delivery of materials to the school district is~~

9 ~~requested.~~

10       (b) Each school district that elects pre-identification of answer documents shall  
11 ~~provide to the publisher no fewer than 45 days prior to the first date of testing in the~~  
12 ~~school district, submit~~ an electronic file that includes all of the information required in  
13 Section 861. The file must be submitted in accordance with the timeline, format, and  
14 instructions provided by the contractor.

15       (c) If the testing materials are lost or destroyed while in the possession of the school  
16 district, and the ~~publisher~~ contractor provides the school district with replacement  
17 materials, the school district is responsible for the cost of all replacement materials.

18       (d) If the school district places an order for tests for any school that is excessive, the  
19 school district is responsible for the cost of materials for the difference between the  
20 sum of the number of pupil tests scored, ~~the number of parent requests pursuant to~~  
21 ~~Education Code section 60615, and the number of individualized education program~~  
22 ~~exemptions pursuant to Education Code section 60640(e)~~ submitted for scoring  
23 including tests for non-tested pupils and 90 percent of the tests ordered. In no event  
24 shall the cost to the school district for replacement or excessive materials exceed the  
25 amount per test booklet and accompanying material that is paid to the ~~publisher~~  
26 contractor by the Department as part of the contract ~~with the publisher~~ for the current  
27 year.

28 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

29 Reference: Sections 60640 and 60643, Education Code.

30

31 *Amend Section 865 to read:*

1   **§ 865. Transportation.**

2       (a) Upon arrival of the test materials at a single location designated by each school  
3   district, the school district's STAR program district coordinator shall provide the  
4   publisher contractor with a signed receipt certifying that all cartons were received.

5       (b) The security of the test materials that have been duly delivered to the school  
6   district is the sole responsibility of the school district until all test materials have been  
7   inventoried, accounted for, and delivered to the common or private carrier designated  
8   by the publisher contractor for return to the contractor.

9       (c) Secure transportation within a school district is the responsibility of the school  
10   district once materials have been duly delivered to the school district. The school  
11   district is responsible for secure delivery of test materials to non-public schools to which  
12   district students with disabilities are assigned.

13   NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

14   Reference: Section 60640, Education Code.

15  
16   *Amend Section 866 to read:*

17   **§ 866. School District Delivery.**

18       (a) No school district shall receive its multiple-choice test materials more than  
19   ~~twenty-five (25)~~ twenty (20) or fewer than ten (10) ~~calendar~~ working days prior to the  
20   first day of testing in the school district. A school district that has not received multiple-  
21   choice test materials from the ~~test publisher~~ contractor at least ten (10) ~~calendar~~  
22   working days before the first date of testing in the school district shall notify the  
23   publisher contractor and the Department on the tenth working day before testing is  
24   scheduled to begin that the school district has not received its materials. Deliveries of  
25   multiple-choice test materials to single school districts shall use the schedule in Section  
26   867.

27       ~~(b) School districts shall return all designated achievement tests and standards-~~  
28   ~~based achievement tests and test materials to the publisher within five (5) working days~~  
29   ~~of the last test date in the school district, including makeup testing days or six (6) days~~  
30   ~~after any statutory deadline, whichever date is earlier.~~

31       ~~(b)(c)~~ A school district and the publisher contractor ~~may~~ shall establish a periodic

1 delivery and retrieval schedule to accommodate ~~wave test administration dates~~ test  
2 administration periods within the school district. Any schedule established must  
3 conform to Sections 866(a) and (b) for each test administration period.

4 (c) No school district shall receive its writing test materials more than ten (10) or  
5 fewer than five (5) working days before the day on which the writing tests are to be  
6 administered.

7 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

8 Reference: Sections 60640 and 60643, Education Code.

9 *Amend Section 867 to read:*

10 **§ 867. Test Site Delivery and Return.**

11 (a) No school or other test site shall receive any multiple-choice test or related test  
12 materials more than ten (10) ~~working days~~ nor fewer than five (5) working days prior to  
13 the first day of testing scheduled at the school or test site.

14 ~~(b) Upon completion of a testing wave at a site, including makeup testing, all tests~~  
15 ~~and test materials shall be returned to the school district location designated by the~~  
16 ~~STAR program district coordinator.~~

17 (b) All multiple-choice testing materials shall be returned to the school district  
18 location designated by the STAR program district coordinator no more than two (2)  
19 working days after testing is completed for each test administration period.

20 ~~(c) Designated achievement tests and standards-based achievement tests and test~~  
21 ~~materials shall not be retained at the test site for more than two (2) working days after~~  
22 ~~the last day of test administration including makeup testing days or after any statutory~~  
23 ~~deadline, whichever is earlier. No school or other test site shall receive any writing test~~  
24 materials more than six (6) or fewer than two (2) working days before the test  
25 administration date.

26 (d) Writing test materials shall be returned to the district STAR program coordinator  
27 no more than one day after the day scheduled for makeup testing.

28  
29 *Amend Section 867.5 to read:*

30 **§ 867.5. Retrieval of Materials by Publisher Contractor.**

31 (a) The school district shall ensure that multiple-choice testing materials are



inventoried, packaged, and labeled in accordance with instructions from the ~~publisher~~  
contractor, and returned to a single school district location for pickup by the ~~publisher~~  
contractor within five (5) working days following completion of testing in the school  
district and in no event later than five (5) working days after ~~any applicable statutory~~  
~~deadline~~ each test administration period. All school districts must have their multiple-  
choice testing materials returned to the ~~publisher~~ contractor no later than ~~six (6)~~ five (5)  
working days after any statutory deadline.

(b) School districts shall return all writing tests and test materials to the contractor  
no more than two (2) working days after the makeup day specified for the writing test.

NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

Reference: Sections 60640 and 60643, Education Code.

*Amend Section 868 to read:*

**§ 868. Discrepancy Resolution for Designated Achievement Test, Standards-**  
**Based Achievement Tests, and CAPA.**

(a) School districts shall process discrepancies determined by the ~~designated~~  
~~publisher~~ contractor upon receipt of returned tests and test materials pursuant to this  
subdivision:

(1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by  
the STAR program district coordinator for one or more of the following shall require a  
response from the STAR program district coordinator to the ~~publisher~~ contractor within  
24 hours.

(A) A discrepancy between the quantity of tests and test materials shipped to the  
school district and the number of tests and test materials returned to the ~~publisher~~  
contractor from the school district.

(B) Information on scannable documents or test support materials that is  
inconsistent, incomplete, or missing, according to criteria established with the  
Department.

(2) The STAR program district coordinator shall acknowledge the discrepancy  
notice via electronic mail, if available in the school district, to the ~~publisher~~ contractor  
and to the Department within twenty-four (24) hours of its receipt via electronic mail.

(b) The STAR program district coordinator shall report any discrepancy in the total amount of the shipment from the ~~designated test publisher~~ contractor within two (2) working days of the receipt of the shipment. If the ~~designated test publisher~~ contractor does not remedy the discrepancy within two (2) working days of the school district report, the school district shall notify the Department within 24 hours.

(c) Any discrepancy in a shipment of designated achievement tests or test materials, ~~or standards-based achievement tests or test materials, or California~~ Alternate Performance Assessment materials received by a test site from the STAR program district coordinator shall be reported to the STAR program district coordinator immediately but no later than two (2) working days of the receipt of the shipment at the testing site. The STAR program district coordinator shall remedy the discrepancy within two (2) working days.

(d) The STAR program district coordinator shall report to the ~~publisher~~ contractor any discrepancy reported by a STAR test site coordinator within three (3) working days of receipt of materials at the test site. If the STAR program district coordinator does not have a sufficient supply of tests or test materials to remedy any shortage, the ~~test publisher~~ contractor shall remedy the shortage by providing sufficient materials directly to the test site within two (2) working days of the notification by the STAR program district coordinator.

(e) The notices required by this section shall be made by telephone with simultaneous confirmation in writing and by electronic mail.

NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

Reference: Sections 60640 and 60643, Education Code.

*Amend Section 870 to read:*

**§ 870. Apportionment to School Districts.**

(a) The amount of funding to be apportioned to the school district for the costs of administering the designated achievement test, ~~and the standards-based achievement tests, and the California Alternate Performance Assessment~~ shall be the amount established by the State Board of Education to enable school districts to meet the requirements of administering the designated achievement test, ~~and the standards-~~

1 based achievement tests, and the California Alternate Performance Assessment per  
2 the number of tests administered to eligible pupils in grades 2 to 11, inclusive, and the  
3 number of answer documents returned with only demographic information for students  
4 enrolled on the first day of testing who were not tested in the school district. The  
5 number of tests administered and the number of demographic answer documents shall  
6 be determined by the certification of the school district superintendent pursuant to  
7 Section 862. For purposes of this portion of the apportionment, administration of the  
8 designated achievement test, ~~and~~ the standards-based achievement tests, and the  
9 California Alternate Performance Assessment includes the following items:

10 (1) All staffing costs, including the STAR program district coordinator and the STAR  
11 test site coordinators, staff training and other staff expenses related to testing.

12 (2) All expenses incurred at the school district and test site level related to testing.

13 (3) All transportation costs of delivering and retrieving tests and test materials within  
14 the school district.

15 (4) All costs associated with mailing the ~~parent reports of test results~~ STAR Student  
16 Reports to parents/guardians.

17 (5) All costs associated with pre-identification of answer sheets and consumable  
18 test booklets, and other activities intended to provide the complete and accurate data  
19 required in Section 861 of these regulations.

20 (b) This amount does not include any funding for the purposes of reimbursing the  
21 costs incurred by any school district pursuant to Section 864.5(d) placing an order that  
22 is excessive, or for replacement costs for test materials lost or destroyed while in  
23 possession of the school district as allocated in Section 865. These costs are outside  
24 the scope of the mandates of the STAR Program.

25 (c) If at the time a school district's scannable documents are processed by the  
26 ~~publisher~~ contractor a student data record is missing any of the data elements required  
27 in Section 861 of these regulations, the school district shall provide the missing data  
28 elements within the time required by the ~~publisher~~ contractor to process the documents  
29 and meet the ~~publisher's~~ contractor's schedule of deliverables under its contract with  
30 the Department. The additional costs incurred by the school district to have the  
31 ~~publisher~~ contractor reprocess the student information to acquire the data required by

Section 861 of these regulations shall be withheld from the school district's apportionment.

NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

Reference: Sections 60640 and 60643, Education Code.

### ARTICLE 3. DESIGNATED PRIMARY LANGUAGE TEST

*Amend Section 880 to read:*

#### **§ 880. Pupil Testing.**

(a) In addition to the designated achievement test, ~~and the standards-based achievement tests, and the California Alternate Performance Assessment~~, school districts shall administer to English language learners who are enrolled in any of grades 2 to 11, inclusive, a designated primary language test if less than 12 months have elapsed after initial enrollment in any public school in this state and if a test has been designated in the pupil's primary language.

(b) School districts shall make whatever arrangements are necessary to test all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, continuation schools, independent study, community day schools, or county community schools.

(c) Pursuant to Education Code Section 60640(f) school districts have the option of administering the designated primary language test to English learners who have been enrolled in California public schools 12 months or more as part of the state testing program.

~~(d)(e)~~ School districts may administer a designated primary language test to pupils enrolled in kindergarten or grade 1 or 12 or to English only and fluent-English proficient pupils in grades 2 to 11 language immersion programs for the designated primary language test, but those pupils shall not be counted for an apportionment pursuant to Education Code ~~s~~Section 60640(h) and the district shall be responsible for all costs associated with testing the pupils.

~~(e)(d)~~ No test may be administered in a private home or location hospital unless the test is administered by either a certificated employee of the school district or an

employee of a nonpublic school pursuant to Education Code ~~s~~Section 56365 who holds a credential and the employee signs a security affidavit. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under the direct supervision of a credentialed school district employee provided that the classroom aide does not assist his or her own child and that the classroom aide signs a security affidavit.

NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.  
Reference: Section 60640, Education Code.

*Amend Section 881 to read:*

**§ 881. Pupil Exemptions.**

(a) A parent or guardian may submit to the school a written request to excuse his or her child from any or all parts of any designated primary language test provided pursuant to Education Code ~~s~~Section 60640. The parent or guardian must initiate the request and the school district and its employees shall not solicit or encourage any written request on behalf of any child.

(b) Pupils in special education programs may be tested with a designated primary language test, if applicable, unless the individualized education program for the pupil specifically ~~exempts the pupil from testing~~ states that the pupil will be assessed with the California Alternate Performance Assessment (CAPA).

NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.  
Reference: Sections 60615 and 60640, Education Code.

*Amend Section 882 to read:*

**§ 882. Administration.**

(a) Any designated primary language test or tests, which includes all those materials set forth in Section 850(b), shall be administered and returned in accordance with the manuals or other instructions provided by the ~~publisher~~ contractor(s) for administering and returning the tests unless specifically provided otherwise in this subchapter. The procedures shall include, but are not limited to, those designed to

1 insure the uniform and standard administration of the test(s) to pupils and the security  
2 and integrity of the test content(s) and test items.

3 (b) Except as provided in Subdivision (c), the reading section of any test or tests  
4 shall not be read, interpreted, or translated to any pupil and no pupil may use a  
5 calculator while taking any designated primary language test or tests administered  
6 pursuant to Education Code ~~s~~Section 60640(f) or (g).

7 (c) Pupils in special education programs with individualized education programs  
8 delineating accommodations such as, but not limited to, large print, extended time, or  
9 the use of a reader or scribe; or pupils with current plans under Section 504 of the  
10 Rehabilitation Act of 1973 specifying such accommodations shall be tested and the  
11 prescribed adaptations or accommodations shall be made.

12 (d) Except for pupils in special education programs with individualized education  
13 programs and pupils with section 504 plans that require specific accommodations or  
14 modifications, no pupil shall be tested with the accommodations or modifications of  
15 large print, use of a reader or scribe, extended time, use of a calculator, or ~~out-of-level~~  
16 below grade level test.

17 NOTE: Authority cited: 33031 and 60605(g) and (h), Education Code. Reference:  
18 Section 60640, Education Code.

19  
20 *Amend Section 883 to read:*

21 **§ 883. Advance Preparation for Test.**

22 (a) Except for materials specifically included within any designated primary  
23 language test or tests, no program or materials shall be used by any school district or  
24 employee of a school district that are specifically formulated, or intended by any school  
25 district or employee of a school district, to prepare pupils for any designated primary  
26 language test or tests. No administration or use of an alternate or parallel form of the  
27 designated test for any stated purpose shall be permitted for any pupils in grades 2  
28 through 11, inclusive.

29 (b) Practice tests provided by the ~~publisher~~ contractor(s) as part of any designated  
30 primary language test or tests for the limited purpose of familiarizing pupils with the use  
31 of scannable test booklets or answer sheets and the format of test items are not

subject to the prohibition of Subdivision (a).

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code.

Reference: Sections 60611 and 60640, Education Code.

*Amend Section 884 to read:*

**§ 884. Testing Period.**

(a) Any designated primary language test or tests, as applicable, shall be administered during the testing period of all instructional days commencing on or after March 15 to the 14<sup>th</sup> day of May, inclusive, of each school year.

(b) Each school district shall provide for at least two (2) makeup days of testing for pupils who were absent during the period that any school administered any designated primary language test or tests. All makeup testing shall occur within ~~ten (10)~~ five (5) instructional days of the last date that the school district administered any designated primary language test or tests for any testing wave, but not later than May 25th of each school year, whichever is earlier.

(c) A school district with schools operating on a multitrack year round schedule may submit a request to the ~~Department~~ contractor to begin testing no earlier than the fourth Monday in February. The ~~State Board of Education~~ contractor shall approve the request if it determines that sufficient tests and test materials are available from the ~~publisher~~ contractor(s) and that the school district will not otherwise be able to complete the testing of all eligible pupils prior to May 15th of the school year.

NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code.

Reference: Section 60640, Education Code.

*Amend Section 886 to read:*

**§ 886. STAR Program District Coordinator.**

The STAR program district coordinator designated by the superintendent of the school district pursuant to Section 857 shall have the same responsibilities with regard to the designated primary language test(s) including, but not limited to, all the duties listed in Section 857(b) and the certifications required in Section 857~~(c), (d), and (e)~~ for the designated achievement test, the standards-based achievements tests, and the

California Alternate Performance Assessment. If necessary, a school district superintendent may designate a separate STAR program district coordinator for any designated primary language test.

NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.  
Reference: Sections 60630 and 60640, Education Code.

*Amend Section 887 to read:*

**§ 887. STAR Test Site Coordinator.**

The STAR test site coordinator designated by the ~~S~~superintendent or the district STAR coordinator of the school district pursuant to Section 858 shall have the same responsibilities with regard to the designated primary language test(s) including, but not limited to, all of the duties listed in Section 858(b) ~~and the certification required in Section 858(c) for the designated achievement test.~~ ~~If necessary, a school district superintendent may designate a separate STAR program district coordinator for any designated primary language test.~~

*Amend Section 888 to read:*

**§ 888. STAR Test Security Agreement and Test Security Affidavit.**

(a) All STAR program district and test site coordinators (coordinators) shall sign the STAR Test Security Agreement set forth in Subdivision (b).

(b) The STAR Test Security Agreement shall be as follows:

**STAR TEST SECURITY AGREEMENT**

The coordinator acknowledges by his or her signature on this form that the designated primary language test or tests are secure tests and agrees to each of the following conditions to ensure test security.

(1) ~~The coordinator~~ I will take all necessary precautions to safeguard all tests and test materials by limiting access to persons within the school district with a responsible, professional interest in the ~~test's~~ tests' security.

(2) ~~The coordinator~~ I will keep on file the names of all persons having access to tests and test materials. All persons having access to the materials shall be required by



1 the coordinator to sign the STAR Test Security Affidavit that will be kept on file in the  
2 school district office.

3 (3) ~~The coordinator~~ I will keep the tests and test materials in a secure, locked  
4 location limiting access to only those persons responsible for test security except on  
5 actual testing dates as provided in California Code of Regulations, Title 5, Division 1,  
6 Chapter 2, Subchapter 3.75.

7 (4) I will not copy any part of the test or test materials without written permission  
8 from the Department to do so.

9 (5) I will not disclose or allow to be disclosed the contents of, or the test instrument.  
10 I will not review any test questions, passages, or other test items with any other person  
11 before, during, or after the test administrator.

12 (6) I will not review test questions, develop any scoring keys or review or score any  
13 pupil responses except as required by the contractor's manuals.

14 By signing my name to this document, I am assuring that I and anyone having  
15 access to the test materials will abide by the above conditions.

16 By: \_\_\_\_\_

17 \_\_\_\_\_

18 Title: \_\_\_\_\_

19 \_\_\_\_\_

20 School District: \_\_\_\_\_

21 Date: \_\_\_\_\_

22 \_\_\_\_\_

23 (c) Each STAR test site coordinator shall deliver the tests and test materials only to  
24 ~~those persons actually administering the designated primary language test or tests on~~  
25 ~~the date of testing and only upon execution of the~~ test examiners who have been  
26 trained to administer the tests and who have signed the STAR Test Security Affidavit  
27 set forth in Subdivision (e).

28 (d) All persons having access to the designated primary language test or tests and  
29 test materials shall acknowledge the limited purpose of their access to the tests, by  
30 signing the STAR Test Security Affidavit set forth in Subdivision (e).

31 (e) The STAR Test Security Affidavit shall be as follows:

STAR TEST SECURITY AFFIDAVIT

I acknowledge that I will have access to the designated primary language test or tests for the purpose of administering the test. I understand that these materials are highly secure, and it is my professional responsibility to protect their security as follows:

(1) I will not divulge the contents of the test(s) to any other person through verbal, written, or any other means of communication.

(2) I will not copy any part of the test(s) or test materials.

(3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.

(4) I will limit access to the test(s) and test materials by test examinees to the actual testing periods when they are taking the test(s).

(5) I will collect and account for all materials following each period of testing and will not permit pupils to remove test materials from the room where testing takes place.

(6) I will not disclose, ~~or allow to be disclosed,~~ the contents of, ~~or the scoring keys to,~~ or the test instruments. I will not review any test questions, passages, or other test items with pupils before, during, or following testing.

(7) I will not develop scoring keys or review or score any pupil responses except as required by the contractor's administration manual(s) to prepare answer documents for machine or other scoring.

~~(8)~~(7) I will return all test materials to the designated STAR test site coordinator daily upon completion of ~~the test(s)~~ testing.

(9) I will administer the test(s) in accordance with the directions for test administration set forth in the publisher's manual for test administration.

(10) I have been trained to administer the tests.

Signed:\_\_\_\_\_

Print Name:\_\_\_\_\_

Position:\_\_\_\_\_

School:\_\_\_\_\_

School District:\_\_\_\_\_

Date:\_\_\_\_\_

(f) To maintain the security of the program, all STAR program district coordinators and test site coordinators are responsible for inventory control and shall use

appropriate inventory control forms to monitor and track test inventory.

NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

Reference: Section 60640, Education Code.

*Amend Section 890 to read:*

**§ 890. School-By-School Analysis.**

(a) Each school district shall provide each ~~publisher~~ contractor of a designated primary language test or tests the following information for each pupil tested for purposes of the reporting required by Section 60630 and Article 4 (commencing with Section 60640) of the Education Code:

(1) Pupil's full name.

~~(2)~~(4) Date of birth.

~~(3)~~(2) Grade level.

~~(4)~~(3) Gender.

~~(4) Language fluency and home language.~~

(5) Participation in the National School Lunch Program.

~~(6)~~(5) Special ~~p~~Program participation.

~~(7)~~(6) Testing adaptations or Use of accommodations or modifications.

(8) California School Information Services (CSIS) Student Number once assigned.

~~(9)~~(7) Parent education level.

~~(10)~~(8) Amount of time in the school, school district, and in California public schools.

(11) Length of time in school in the United States.

~~(12)~~(9) Ethnicity.

~~(13)~~(10) Handicapping condition or disability.

(b) The information is for the purposes of aggregate analyses only and shall be provided and collected as part of the testing materials for the designated primary language test or tests.

(c) School districts shall provide the same information for each eligible pupil enrolled in an alternative or off campus program as is provided for all other eligible pupils in grades 2 to 11, inclusive.

NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

Reference: Section 60630, Education Code.

*Amend Section 891 to read:*

**§ 891. Apportionment Report Information.**

(a) ~~Each school district shall report to the State Department of Education~~ The Department shall prepare an apportionment report for each district by compiling information that was entered into pre-ID files or gridded on student test booklets and answer documents. The report shall include all of the following information relevant to the designated primary language test ~~by grade level~~ for grades 2 to 11, inclusive:

(1) The number of pupils who are English language learners.

(2) The number of English language learners who were administered each designated primary language test pursuant to Education Code section 60640(f).

(3) The number of English language learners who were administered each designated primary language test pursuant to Education Code section 60640(g).

~~(4) The total number of English language learners exempted from the test pursuant to Education Code section 60615.~~

~~(5) The total number of English language learners exempted pursuant to any provision in their individualized education programs (IEPs) which explicitly exempts them from standardized testing.~~

~~(6) If a school district opted to have the publisher of a designated primary language test provide pre-identification of answer sheets, the number of tests administered with pre-identified answer documents.~~

(b) The Department shall distribute the reports to districts no later than November 15 following each testing cycle.

(c)(1) The superintendent of each school district shall certify the accuracy of report no later than December 31 of the calendar year in which the tests were administered. Certified reports postmarked after December 31 must be accompanied by a waiver request as provided by Education Code Section 33050. The Department shall not process the apportionment payment prior to the State Board approving the waiver request. Reports that are postmarked after June 30 of the fiscal year during which the report was prepared shall not be processed ~~all information submitted. The report~~

~~required by Subdivision (a) shall be filed with the State Superintendent of Public Instruction within ten (10) working days of the last day of makeup testing in the school district.~~

~~(2) School districts with an average daily attendance greater than 100,000 may certify the accuracy and submit the information required by Subdivision (a) within fifteen (15) working days of the last day of makeup testing in the school district. The school district may submit a request to the Department to obtain approval of the State Board of Education for an extension of ten (10) additional working days if the fifteen (15) working day requirement presents an undue hardship. In addition to certifying the information on the apportionment report received from the California Department of Education, the district shall report the following:~~

~~(A) The total number of English learners exempted from the test pursuant to Education Code section 60615.~~

~~NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.~~

~~Reference: Sections 60615 and 60640, Education Code.~~

*Amend Section 892 to read:*

**§ 892. Parent Reports.**

~~(a) A school district shall report the results of each pupil's test to the pupil's parent or guardian as provided in Section 863. The school district shall forward the reports for the designated primary language test(s) to each pupil's parent or guardian, within not more than twenty (20) working days from receipt of the reports from the publisher.~~

~~(b) If the school district receives the reports for the designated primary language tests after the last day of instruction for the school year, the school district shall send the pupil results to the parent or guardian by U.S. mail at the parent's or guardian's last known address. If the report is non-deliverable, the school district shall make the report available to the parent or guardian during the next school year.~~

~~(c) Schools are responsible for affixing cumulative record labels reporting each pupil's scores to pupils' permanent school records, for entering the scores into electronic student records, and for forwarding the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not~~

accurately reflect students' achievement due to illness or testing irregularities.

*Amend Section 894 to read:*

**§ 894. Test Order Information.**

(a) Each ~~publisher~~ contractor of a designated primary language test or tests shall notify all school districts of any adaptations available from each ~~publisher~~ contractor to accommodate pupils with exceptional needs including, but not limited to, Braille and large print.

(b) The school district shall provide to the ~~publisher~~ contractor, no later than ~~December~~ November 15 of the year immediately prior to the year of test administration, the following data for each test site of the school district, by grade level:

(1) The number of pupils to be tested

(2) Valid county district school (CDS) codes

~~(3) Number of tests without adaptation~~

(3) ~~(4)~~ Number of large print tests.

(4) ~~(5)~~ Number of Directions for Administration needed, by grade level

(5) ~~(6)~~ First date of testing in the school district including the dates for each ~~testing wave~~ test administration period, if applicable

~~(7) Date or dates on which delivery of materials to the school district is required.~~

(c) Each school district that elects pre-identification of answer documents shall ~~provide to the publisher no fewer than 45 days prior to the first date of testing in the school district,~~ submit an electronic file that includes all of the information required in Section ~~864~~ 890.

(1) If the testing materials are lost or destroyed while in the possession of the school district, and the ~~publisher~~ contractor provides the school district with replacement materials, the school district is responsible for the cost of all replacement materials,

(2) If the school district places orders for tests for any school that are excessive, the school district is responsible for the cost of materials for the difference between the sum of the number of pupil tests scored, and the number of parent requests pursuant to Education Code section 60615, ~~and the number of individualized education program exemptions pursuant to Education Code section 60640(e)~~ and 90 percent of the tests

ordered. In no event shall the cost to the school district for replacement or excessive materials exceed the amount per test booklet and accompanying material that is paid to the ~~publisher~~ contractor by the Department as part of the contract with the ~~publisher~~ contractor for the current year.

NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

Reference: Sections 60640 and 60643, Education Code.

*Amend Section 895 to read:*

**§ 895. Transportation.**

(a) Each ~~test publisher~~ contractor shall assume all responsibility for the security and integrity of their tests and test materials at all sites where the ~~publisher~~ contractor creates, produces, stores, or maintains the materials and during the time that any and all materials are in transit by any means from the ~~publisher's~~ contractor's storage, production, maintenance, or transfer facility until the materials arrive at a single location designated by each school district and the school district's STAR program district coordinator provides the ~~publisher~~ contractor with a signed receipt. Upon arrival of the test materials at a single location designated by each school district, the school district's STAR program district coordinator shall provide the ~~publisher~~ contractor with a signed receipt.

(b) The security of the tests and test materials that have been duly delivered to the school district is the sole responsibility of the school district until all tests and test materials have been inventoried, accounted for, and delivered to the common or private carrier designated by the ~~publisher~~ contractor.

(c) Secure transportation within a school district is the responsibility of the school district once materials have been duly delivered to the school district.

NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

Reference: Sections 60640 and 60643, Education Code.

*Amend Section 896 to read:*

**§ 896. School District Delivery and Return of Materials.**

(a) No school district shall receive its test materials more than twenty-five (25) or

fewer than ten (10) ~~calendar~~ working days prior to the first day of testing in the school district. A school district that has not received test materials from the ~~test publisher~~ contractor at least ten (10) ~~calendar~~ working days before the first date of testing in the school district shall notify the ~~publisher~~ contractor and the Department on the tenth day before testing is scheduled to begin that the school district has not received its materials.

(b) School districts shall return all designated primary language tests and test materials to the ~~publisher(s)~~ contractor(s) within five (5) working days of the last test date in the school district, including makeup testing days or June 1, whichever date is earlier.

(c) If the school district has ~~an average daily attendance greater than 50,000 or has~~ schools on a multitrack year round calendar, the school district and the ~~publisher(s)~~ contractor(s) may establish a periodic delivery and retrieval schedule to accommodate staggered test administration dates within the school district.

(d) A unified school district that will administer the designated primary language test to pupils in grades 9 through 11 during a time frame that does not overlap the administration of the test to pupils in grades 2 through 8 may establish a periodic delivery and retrieval schedule with the ~~publisher~~ contractor to accommodate staggered test administration dates within the school districts for grades 9 through 11 and grades 2 through 8.

NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

Reference: Sections 60640 and 60643, Education Code.

*Amend Section 897 to read:*

**§ 897. Test Site Delivery and Return of Materials.**

(a) No school or other test site shall receive any test or related test materials more than ten (10) working days nor fewer than five (5) working days prior to the first day of testing scheduled at the school or test site.

(b) Upon completion of testing at a site, including makeup testing, all tests and test materials shall be returned to the school district location designated by the STAR program district coordinator.



(c) Tests and test materials shall not be retained at the test site for more than two (2) working days after the last day of test administration including makeup testing days or May 25th, whichever is earlier.

*Amend Section 898 to read:*

**§ 898. Retrieval of Materials by ~~Publisher~~ Contractor.**

(a) The school district shall ensure that materials are inventoried, packaged, and labeled in accordance with instructions from each designated ~~publisher~~ contractor, and returned to a single school district location for pickup by each ~~publisher~~ contractor within five (5) working days following completion of testing in the school district and in no event later than May 30. ~~All school districts must have their materials returned to the publisher(s) no later than June 1.~~

(b) Each ~~publisher~~ contractor shall arrange with the STAR program district coordinator a range of dates on which the ~~publisher~~ contractor will pick up the packaged materials.

NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

Reference: Sections 60640 and 60643, Education Code.

*Amend Section 899 to read:*

**§899. Discrepancy Resolution for Designated Primary Language Test(s).**

(a) School districts shall process discrepancies determined by the designated ~~publisher(s)~~ contractor(s) upon receipt of returned tests and test materials pursuant to this subdivision:

(1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by the STAR program district coordinator for one or more of the following items shall require a response from the STAR program district coordinator to the ~~publisher~~ contractor within 24 hours.

(A) A discrepancy between the quantity of tests and test materials shipped to the school district and the number of tests and test materials returned to the ~~publisher~~ contractor from the school district.

(B) Information on scannable documents or test support materials that is

1 inconsistent, incomplete, or missing, according to criteria established with the  
2 Department.

3 (2) The STAR program district coordinator shall acknowledge the discrepancy  
4 notice via electronic mail, if available in the school district, to the ~~publisher~~ contractor  
5 and to the Department within twenty-four (24) hours of its receipt via electronic mail.

6 (b) The STAR program district coordinator shall report any discrepancy in the total  
7 amount of the shipment from the ~~publisher~~ contractor of any designated primary  
8 language test material to the ~~publisher~~ contractor within two (2) working days of the  
9 receipt of the shipment. If the ~~publisher~~ contractor does not remedy the discrepancy  
10 within two (2) working days of the school district report, the school district shall notify  
11 the Department within 24 hours.

12 (c) Any discrepancy in a shipment of tests or test materials received at a test site  
13 from the STAR program district coordinator shall be reported to the STAR program  
14 district coordinator immediately but no later than two (2) working days of the receipt of  
15 the shipment at the testing site. The STAR program district coordinator shall remedy  
16 the discrepancy within two (2) working days.

17 (d) The STAR program district coordinator shall report to the ~~publisher~~ contractor  
18 any discrepancy reported by a STAR test site coordinator within three (3) working days  
19 of receipt of materials at the ~~school district~~ test site. If the STAR program district  
20 coordinator does not have a sufficient supply of tests or test materials to remedy any  
21 shortage, the ~~test publisher~~ contractor shall remedy the shortage by providing sufficient  
22 materials directly to the test site within two (2) working days of the notification by the  
23 STAR  
24 program district coordinator.

25 (e) The notices required by this section shall be made by telephone with  
26 simultaneous confirmation in writing and by electronic mail, if available.

27  
28 *Amend Section 901 to read:*

29 **§ 901. Apportionment.**

30 (a) The amount of funding to be apportioned to the school district for the costs of  
31 administering any designated primary language test shall be the amount established by

1 the State Board of Education to enable school districts to meet the requirements of  
2 administering any designated primary language tests ~~per the number of tests~~  
3 ~~administered~~ to eligible pupils in grades 2 to 11, inclusive, in the school district. The  
4 number of tests administered shall be determined by the certification of the school  
5 district superintendent pursuant to Section 891. For purposes of this portion of the  
6 apportionment, administration of any designated primary language test includes the  
7 following items:

8 (1) All staffing costs, including the STAR program district coordinator and the STAR  
9 test site coordinators, staff training and other staff expenses related to testing.

10 (2) All expenses incurred at the school district and test site level related to testing.

11 (3) All transportation costs of delivering and retrieving tests and test materials within  
12 the school district.

13 (4) All costs associated with mailing the parent reports of test results.

14 (5) All costs associated with pre-identification of answer sheets and consumable  
15 test booklets, and other activities intended to provide the complete and accurate data  
16 required in Section 861 of these regulations.

17 ~~(b) If at the time a school district's scannable documents are processed by the~~  
18 ~~publisher a student data record is missing any of the data elements required in Section~~  
19 ~~861 of these regulations, the school district shall provide the missing data elements~~  
20 ~~within the time required by the publisher to process the documents and meet the~~  
21 ~~publisher's schedule of deliverables under its contract with the Department. The~~  
22 ~~additional costs incurred by the school district to have the publisher reprocess the~~  
23 ~~student information to acquire the data required by Section 890 of these regulations~~  
24 ~~shall be withheld from the school district's apportionment. This amount does not include~~  
25 ~~any funding for the purposes of reimbursing the costs incurred by any school district~~  
26 ~~pursuant to Section 894(c)(2) for placing an order that is excessive, or for replacement~~  
27 ~~costs for test materials lost or destroyed while in possession of the school district as~~  
28 ~~allocated in Section 894(c)(1). These costs are outside the scope of the mandates of~~  
29 ~~the STAR program.~~

30 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

31 Reference: Sections 60640 and 60643, Education Code.

- 1
- 2
- 3
- 4